IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 1463 of 2006(Y)

PETITIONER:

E. GIRIJA, AGED 50 YEARS,
W/O. LATE NARAYANAN NAIR,
EZHENCHAERIL HOUSE, IRUMPANAM P.O.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:

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1. UNION OF INDIA, REP. BY
CENTRAL SECRETARY TO THE GOVERNMENT,
NEW DELHI.

2. THE EXECUTIVE ENGINEER,
CENTRAL ELECTRICAL DIVISION VIII,
CPWD, NEW DELHI.

3. THE ACCOUNTS OFFICER,
PAY AND ACCOUNTS OFFICE, CPWD,
NEW DELHI.

BY ADV. SRI.P.R.RADHAKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1463 of 2006(Y)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE CERTIFICATE ISSUED BY THE N.S.S. KARAYOGAM, THIRUVANKULAM

EXHIBIT-P2: TRUE COPY OF TRANSFER CERTIFICATE ISSUED FROM THE SCHOOL, P.K. HIGH SCHOOL, MANNAPRA, PALAKKAD.

EXHIBIT-P3: TRUE COPY OF THE RATION CARD

EXHIBIT-P4: TRUE COPY OF THE DEATH CERTIFICATE

EXHIBIT-P5: TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE RESPONDENTS

EXHIBIT-P6: TRUE COPY OF THE REMINDER DATED 8.7.2003 ISSUE TO THE RESPONDENTS

/TRUE COPY/

P.A. TO JUDGE

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.1463 of 2006 (Y)

Dated this the 15th June, 2007.

JUDGMENT

The petitioner claims to be the legally wedded wife of the late K.S.Narayanan, who was an employee of the Central Public Works Department. While a pensioner, Narayanan died on 16.4.2002. The petitioner claims that she has a child, born out of the marriage with the said Narayanan. When she claimed family pension from the respondent, the same was not allowed. Hence this writ petition, seeking a writ of mandamus to the respondents to disburse the family pension to her without delay.

2. The respondents have appeared and filed a statement, in which it is stated that as per the service records of the employee, one Smt.Chinnammu is the wife. She has already staked her claim for family pension. Therefore, it is submitted that no family pension could be granted to the petitioner.

3. The learned counsel for the petitioner submitted, even assuming that the marriage of the petitioner is invalid; her child is entitled to get the benefit. These are matters to be established by the

petitioner before the competent civil court. Needless to say, the respondents are bound to go by the service records of the employee, unless there is an order of the competent court to the contrary.

Subject to the rights of the petitioner to approach the competent civil court, and without prejudice to the contentions raised by her, this writ petition is dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.